

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Eugene Christopher Banks,

Civ. No. 11-1706 (MJD/JJK)

Plaintiff,

v.

Lucinda Jesson, et al.,

ORDER

Defendants.

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated November 3, 2011. Plaintiff objects to the Report and Recommendation, noting that Plaintiff made errors in attempting to amend the complaint. Plaintiff further objects to the Magistrate Judge's reference to cases involving prisoner rights, as Plaintiff is not a prisoner.

Plaintiff was indeterminately civilly committed a sexually dangerous person. Banks v. Goodno, No. A05-1861, 2006 WL 330210 (Minn. Ct. App. Feb. 14, 2006). As such, "his liberty interests are considerably less than those held by members of free society." Senty-Haugen v. Goodno, 462 F.3d 876, 886 (8th Cir. 2006). Furthermore, the right to watch television would certainly be deemed a

de minimis restriction “with which the Constitution is not concerned.” Id. (citing Bell v. Wolfish, 441 U.S. 520, 539 n. 21 (1979)).

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1)(B); Local Rule 72.2(b). Based on that review, the Court will adopt the Report and Recommendation in its entirety.

IT IS HEREBY ORDERED that:

1. Any and all claims asserted in Paragraph 16 of the Amended Complaint [Doc. No. 57] are dismissed with prejudice. Defendants Matthew Fischels, Steve Frohrip, Joan Breisler, Brenda Willard, Mediacom Communications Corp, and Mediacom, are summarily **DISMISSED** from this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

Date: December 15, 2011

s/ Michael J. Davis _____
Michael J. Davis
Chief Judge
United States District Judge